

111TH CONGRESS  
1ST SESSION

# H. R. 1406

To direct the Securities and Exchange Commission to reinstate the “uptick rule” on short sales of securities and to suspend the application of mark-to-market accounting principles.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2009

Mr. KIRK introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To direct the Securities and Exchange Commission to reinstate the “uptick rule” on short sales of securities and to suspend the application of mark-to-market accounting principles.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Stock Market Recovery  
5       Act of 2009”.

1 **SEC. 2. REINSTATEMENT OF THE UPTICK RULE.**

2 Not later than 90 days after the date of enactment  
3 of this Act, the Securities and Exchange Commission  
4 shall—

5 (1) reinstate rule 10a–1 of the Commission’s  
6 rules (17 C.F.R. 240.10a–1);

7 (2) rescind rule 201 of regulation SHO (17  
8 C.F.R. 242.201); and

9 (3) take such other actions as may be necessary  
10 to reinstate the price test restrictions that applied to  
11 short sales of securities prior to the Commission’s  
12 action in the proceeding entitled “Regulation SHO  
13 and Rule 10a–1”, adopted June 28, 2007 (Release  
14 No. 34–55970; File No. S7–21–06).

15 **SEC. 3. SUSPENSION OF MARK-TO-MARKET ACCOUNTING.**

16 Not later than 90 days after the date of enactment  
17 of this Act, for purposes of any periodic or other reports  
18 required to be filed with the Securities and Exchange  
19 Commission, the Commission shall suspend, by rule, regu-  
20 lation, or order, the application of mark-to-market ac-  
21 counting principles with respect to any class or category  
22 of transaction as the Commission determines necessary or  
23 appropriate in the public interest and consistent with the  
24 protection of investors.

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